

**COMPLAINT FOR COPYRIGHT INFRINGEMENTS
AND DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS**

COMES NOW, Plaintiffs VINCENT KHOURY TYLOR and
VINCENT SCOTT TYLOR, by their attorneys, J. Stephen Street, Attorney at Law
and Dane Anderson, Attorney at Law, LLC, and for their complaint alleges as
follows:

PARTIES

1. Plaintiff VINCENT KHOURY TYLOR is a resident of the State of Hawaii.
2. Plaintiff VINCENT SCOTT TYLOR is a resident of the State of Hawaii.
3. Upon information and belief, Defendant RHYTHM OF LIFE COSMETICS, INC. is a corporation registered in the State of Hawaii and is doing business in the State of Hawaii under the trade name MAUI TROPICAL SOAPS.
4. Upon information and belief, Defendant RICHARD D. STILLMAN is a natural person residing in the State of Colorado and is the President or Chief Executive Officer of Defendant RHYTHM OF LIFE COSMETICS, INC.
5. JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10 are named herein under fictitious names for the reason that, after investigation of the facts of this action, Defendants' true names and identities are presently unknown to

Plaintiffs, except, upon information and belief, that they are connected in some manner with the named Defendants and/or were the agents, servants, employees, employers, representatives, co-venturers, associates, successors or assignees of the named Defendants who may be under a duty, contractually or otherwise, to pay Plaintiffs compensation for loss incurred by the actions or omissions of the named Defendants and/or were in some manner related to the named Defendants and that their "true names, identities, capacity, activities and/or responsibilities" are presently unknown to Plaintiffs or their attorneys. To ascertain the full names and identities of JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10, Plaintiffs' counsel have investigated the facts alleged herein through inter alia, interview of Plaintiffs and inspection of the records in this matter. When the true names and capacities are ascertained, through appropriate discovery, Plaintiffs shall move to amend this action to state the true names.

JURISDICTION AND VENUE

6. This is an action for preliminary and permanent injunctive relief and damages arising from Defendant RHYTHM OF LIFE COSMETICS, INC.'s and Defendant RICHARD D. STILLMAN's (collectively "Defendants") copyright infringements in violation of the United States Copyright Act, 17 U.S.C. §§ 101 et seq. and the Digital Millennium Copyright Act, 17 U.S.C. § 1202(b).

7. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and § 1338(a).

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(a).

FACTUAL ALLEGATIONS

9. Defendants are doing business in the State of Hawaii under the business name and brand name MAUI TROPICAL SOAPS through a commercial web page on Facebook.com, at <http://www.facebook.com/MauiSoaps>; through a commercial web blog on Wordpress.com, at <http://mauisoap.wordpress.com>; and, through a commercial website at <http://www.mauitropicalsoaps.com>.

10. Defendants manage and control their commercial website at <http://www.mauitropicalsoaps.com> to advertise and promote their cosmetic or beauty products; to make their cosmetic or beauty products available for purchase online; to transact online purchases by customers; and, to coordinate shipments of those online purchases to customers. Defendants also provide a hyperlink on their commercial website for viewers to be directly routed to Defendants' commercial web page on Facebook.com.

11. Defendants manage and control their commercial web page on Facebook.com and their commercial web blog on Wordpress.com to advertise and promote their MAUI TROPICAL SOAPS business and brand name and commercial

website at <http://www.mauitropicalsoaps.com>; to feature products and offers found on their commercial website; to respond to product inquiries by users/readers; and, to encourage users/readers to navigate to their commercial website to view product prices and offers and to make purchases by simply clicking on one of the many posted hyperlinks found throughout their web page and web blog for users/readers to be routed automatically to Defendants' commercial website.

12. Each photographic work at issue in this case is an original work entitled to copyright protection pursuant to the copyright laws of the United States, and each photographic work at issue is duly registered with the United States Copyright Office, except for one (1) photographic work for which application for registration has been filed and is pending certification, as further described in paragraph 17 below.

13. Nineteen (19) of the photographic works, image nos.: "O-06 Hanauma Bay Wide"; "K-06-B Wailua Falls Rainbow"; "O-01 Waikiki-Pink boat ORIG."; "A-14 Tropical Lagoon"; "K-24-B Kealia Beach"; "B-07 Akaka Falls Hor"; "B-01-A Rainbow Falls"; "M-07 Windsurfers"; "A-29 Tropical Oasis"; "O-24 Makapuu"; "A-28 Emerald Waters"; "K-38 Taro Fields of Hanalei"; "K-12-B Lumahai Beach Low"; "B-01-B Rainbow Falls"; "K-27 NaPali Coast"; "A-20 Surfer at Twilight"; "B-18 Green Beach"; "A-34 Island Falls"; and, "K-20 Waimea

Canyon” at issue in this case were created by photographer Plaintiff VINCENT KHOURY TYLOR, who is the owner of the copyrights for the photographic works.

14. The copyrights for Plaintiff VINCENT KHOURY TYLOR’s photographic works at issue were registered with the United States Copyright Office as 1) VA 1-696-555, effective December 17, 2009, and supplemented by VA 1-432-741; 2) VA 1-696-552, effective December 17, 2009, and supplemented by VA 1-432-820; and 3) VA 1-759-562, effective January 29, 2011. Plaintiff VINCENT KHOURY TYLOR has exclusive rights and privileges in those photographic works under the United States Copyright Act. True and correct copies of the Certificates of Registrations which relates to each of Plaintiff VINCENT KHOURY TYLOR’s nineteen (19) photographic works at issue is attached hereto as Exhibit “A.”

15. Four (4) of the photographic works, image nos.: “Princeville 01”; “Anini 02”; “Hanama Bay,” and, “Hanauma Bay Overlook Original” at issue in this case were created by photographer Plaintiff VINCENT SCOTT TYLOR, who is the owner of the copyrights for the photographic works.

16. The copyrights for three (3) of four (4) of Plaintiff VINCENT SCOTT TYLOR’s photographic works at issue, specifically, “Princeville 01”; “Anini 02”; and, “Hanama Bay” were registered with the United States Copyright Office as VA 1-761-524, effective February 8, 2011. Plaintiff VINCENT SCOTT TYLOR has exclusive rights and privileges in those photographic works under the

United States Copyright Act. True and correct copies of the Certificate of Registrations which relates to each of Plaintiff VINCENT SCOTT TYLOR's photographic works at issue is attached hereto as Exhibit "B."

17. The registration of the copyright for Plaintiff VINCENT SCOTT TYLOR's "Hanauma Bay Overlook Original" is pending certification; an application for registration together with the required deposits and registration fee has been filed with the United States Copyright Office and Plaintiff VINCENT SCOTT TYLOR is awaiting a certificate of registration for that photographic work.

18. None of the photographic works was a "work for hire."

19. Plaintiffs incurred substantial time and expense in creating the photographic works at issue and invested substantial time and expense in marketing the licensing of the photographic works at issue.

20. In late 2012, Plaintiff VINCENT KHOURY TYLOR learned that Defendants used fifteen (15) of Plaintiff VINCENT KHOURY TYLOR's photographic works on their commercial Facebook.com web page and commercial Wordpress.com web blog a total of at least thirty-four (34) times as follows:
Image "**O-06 Hanauma Bay Wide**" is used at least four (4) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream

<http://www.facebook.com/photo.php?fbid=387022854697578&set=pb.108829729183560.2207520000.1351465573&type=3&theater>

<http://mauisoap.wordpress.com/category/soap/>

<http://mauisoap.wordpress.com/2011/02/02/love-of-the-land-aloha->

aina/

Image URLs:

http://sphotos-b.xx.fbcdn.net/hphotos-ash4/217893_387022854697578_244662118_n.jpg

<http://mauisoap.files.wordpress.com/2011/02/screen-shot-2011-02-02-at-4-40-49-pm.png?w=240&h=191>

<http://mauisoap.files.wordpress.com/2011/02/screen-shot-2011-02-02-at-4-40-49-pm.png>

Image **“K-06-B Wailua Falls Rainbow”** was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream

<http://www.facebook.com/photo.php?fbid=387374247995772&set=pb.108829729183560.-2207520000.1351465573&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-ash4/292919_387374247995772_856779772_n.jpg

Image **“O-01 Waikiki-Pink boat ORIG.”** was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream

<http://www.facebook.com/photo.php?fbid=386035554796308&set=pb.108829729183560.-2207520000.1351465573&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash4/387086_386035554796308_2009139542_n.jpg

Image **“A-14 Tropical Lagoon”** is used at least three (3) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream (multiple times)

<http://www.facebook.com/photo.php?fbid=319738884759309&set=a.109265569139976.10575.108829729183560&type=3&theater>

<https://www.facebook.com/photo.php?fbid=278263302240201&set=a.109265569139976.10575.108829729183560&type=1&theater>

Image URLs:

http://sphotos-b.xx.fbcdn.net/hphotos-ash3/537950_319738884759309_781674377_n.jpg

https://sphotos-b.xx.fbcdn.net/hphotosprn1/324688_278263302240201_2117270465_o.jpg

Image **“K-24-B Kealia Beach”** is used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=306947406038457&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-prn1/550310_306947406038457_1250607061_n.jpg

Image **“B-07 Akaka Falls Hor”** was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=294234877309710&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-ash4/417238_294234877309710_607280337_n.jpg

Image **“B-01-A Rainbow Falls”** was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=294227587310439&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-snc7/420619_294227587310439_2118339678_n.jpg

Image **“M-07 Windsurfers”** was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=289217381144793&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash4/424867_289217381144793_1613709399_n.jpg

Image “**A-29 Tropical Oasis**” was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=274848975914967&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-ash4/430567_274848975914967_447491936_n.jpg

Image “**O-24 Makapuu**” is used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=283827338350464&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash4/401518_283827338350464_1782614569_n.jpg

Image “**A-28 Emerald Waters**” is used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=275053465894518&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-ash4/426371_275053465894518_528121000_n.jpg

Image “**K-38 Taro Fields of Hanalei**” was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=277767265623138&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-snc7/417601_277767265623138_1204367543_n.jpg

Image **“K-12-B Lumahai Beach Low”** was used at least three (3) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream (multiple times)
<http://www.facebook.com/photo.php?fbid=274904445909420&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-snc7/403066_274904445909420_1477356358_n.jpg

Image **“B-01-B Rainbow Falls”** was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=274238429309355&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash4/400201_274238429309355_918480544_n.jpg

Image **“K-27 NaPali Coast”** is used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=272176709515527&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash4/400547_272176709515527_348967893_n.jpg

These photographic works were used for up to approximately two (2) years without obtaining license or consent from Plaintiff VINCENT KHOURY TYLOR; thus violating Plaintiff VINCENT KHOURY TYLOR’s exclusive right to reproduce,

adapt, display, distribute, and/or create derivative works under 17 U.S.C. § 100 et al.

A true and correct copy of each photographic work at issue registered by Plaintiff VINCENT KHOURY TYLOR, used by Defendants without permission, along with the respective true and correct copy of the screenshot of Defendants' infringing use of each photographic work at issue is attached hereto as Exhibit "C".

21. In late 2012, Plaintiff VINCENT SCOTT TYLOR learned that Defendants used three (3) of four (4) of Plaintiff VINCENT SCOTT TYLOR's photographic works at issue on their commercial Facebook.com web page and commercial Wordpress.com web blog a total of at least six (6) times as follows: Image "**Princeville 01**" was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=376455832420947&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash3/529580_376455832420947_773232552_n.jpg

Image "**Anini 02**" was used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream
<http://www.facebook.com/photo.php?fbid=318579734875224&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-b.xx.fbcdn.net/hphotos-ash3/535120_318579734875224_1663386724_n.jpg

Image "**Hanama Bay**" is used at least two (2) times at:

Page URLs:

http://www.facebook.com/MauiSoaps/photos_stream

<http://www.facebook.com/photo.php?fbid=291114807621717&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

http://sphotos-a.xx.fbcdn.net/hphotos-ash4/422259_291114807621717_1149399278_n.jpg

These photographic works were used for up to approximately two (2) years without obtaining license or consent from Plaintiff VINCENT SCOTT TYLOR and thus violating Plaintiff VINCENT SCOTT TYLOR's exclusive right to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. § 100 et al. A true and correct copy of each photographic work at issue registered by Plaintiff VINCENT SCOTT TYLOR, used by Defendants without permission, along with the respective true and correct copy of the screenshot of Defendants' infringing use of each photographic work at issue is attached hereto as Exhibit "D".

22. Starting on or about November 19, 2012, Plaintiffs attempted to resolve with Defendants the ongoing use of the photographic works in violation of Plaintiffs' copyright, requesting that Defendants pay a retroactive licensing fee for the photographic works used on Defendants' commercial Facebook.com web page and Wordpress.com web blog and that Defendants cease and desist from using any of Plaintiffs' copyrighted works.

23. Plaintiffs' counsel was contacted by Defendants, and the parties exchanged communications.

24. Despite notice of the infringements in November of 2012, communications with Defendants discussing the nature and duration of the copyright infringements, and Plaintiffs' efforts to resolve these claims with Defendants, Defendants continue to use seven (7) of the original eighteen (18) photographic works at issue in the same manner on their commercial Facebook.com web page and/or Wordpress.com web blog, committing willful infringement of seven (7) photographic works at issue: Plaintiff VINCENT KHOURY TYLOR's "O-06 Hanauma Bay Wide;" "A-14 Tropical Lagoon"; "K-24-B Kealia Beach"; "O-24 Makapuu"; "A-28 Emerald Waters"; "K-27 NaPali Coast;" and Plaintiff VINCENT SCOTT TYLOR's "Hanama Bay."

25. In addition to Defendants' continued use of Plaintiff VINCENT KHOURY TYLOR's photographic works after Plaintiffs' request to cease and desist (as described in paragraphs 22 through 24), Plaintiffs learned in May of 2013, that Defendants are using four (4) additional photographic works of Plaintiff VINCENT KHOURY TYLOR and one (1) additional photographic work of Plaintiff VINCENT SCOTT TYLOR on their commercial Facebook.com web page. The infringing uses of five (5) additional photographic works of Plaintiffs, which apparently began in December of 2012, after Plaintiffs' cease and desist demand with respect to the original eighteen (18) photographic works in November of 2012, consist of a total of at least twelve (12) additional uses as follows:

Plaintiff VINCENT KHOURY TYLOR's Images

Image "**B-18 Green Beach**" is used at least four (4) times at:

Page URLs:

<https://www.facebook.com/MauiSoaps> (2 separate uses)

https://www.facebook.com/photo.php?fbid=468769769856219&set=a.109265569139976.10575.108829729183560&type=1&relevant_count=1

https://www.facebook.com/photo.php?fbid=428073637259166&set=a.109265569139976.10575.108829729183560&type=1&relevant_count=1

Image URLs:

https://fbcdn-sphotos-h-a.akamaihd.net/hphotos-ak-ash3/559706_468769769856219_2023577064_n.jpg

https://fbcdn-sphotos-g-a.akamaihd.net/hphotos-ak-ash3/533524_428073637259166_1058454948_n.jpg

Image "**A-34 Island Falls**" is used at least two (2) times at:

Page URLs:

<https://www.facebook.com/MauiSoaps>

https://www.facebook.com/photo.php?fbid=448876741845522&set=a.109265569139976.10575.108829729183560&type=1&relevant_count=1

Image URL:

https://fbcdn-sphotos-h-a.akamaihd.net/hphotos-ak-prn1/74329_448876741845522_1969593478_n.jpg

Image "**K-20 Waimea Canyon**" is used at least two (2) times at:

Page URLs:

<https://www.facebook.com/MauiSoaps>

https://www.facebook.com/photo.php?fbid=445585575507972&set=a.109265569139976.10575.108829729183560&type=1&relevant_count=1

Image URL:

https://fbcdn-sphotos-f-a.akamaihd.net/hphotos-ak-ash3/540784_445585575507972_1459043775_n.jpg

Image “**A-20 Surfer at Twilight**” is used at least two (2) times at:

Page URLs:

<https://www.facebook.com/MauiSoaps>
https://www.facebook.com/photo.php?fbid=415015621898301&set=a.109265569139976.10575.108829729183560&type=1&relevant_count=1

Image URL:

https://sphotos-a.xx.fbcdn.net/hphotos-ash3/689_415015621898301_473688544_n.jpg

Plaintiff VINCENT SCOTT TYLOR’s Image

Image “**Hanauma Bay Lookout Original.**” is used at least two (2) times at:

Page URLs:

<https://www.facebook.com/MauiSoaps>
<https://www.facebook.com/photo.php?fbid=342554242477773&set=a.109265569139976.10575.108829729183560&type=3&theater>

Image URL:

https://sphotos-b.xx.fbcdn.net/hphotos-ash4/319870_342554242477773_716784907_n.jpg

These photographic works are being used without obtaining license or consent from Plaintiffs; thus violating Plaintiffs’ exclusive right to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. § 100 et al. A true and correct copy of each photographic work at issue registered by Plaintiff VINCENT KHOURY TYLOR, used by Defendants without permission, along with the respective true and correct copy of the screenshot of Defendants’ infringing use of each photographic work at issue is attached hereto as Exhibit “C”. A true and correct copy of each photographic work at issue registered by Plaintiff VINCENT

SCOTT TYLOR, used by Defendants without permission, along with the respective true and correct copy of the screenshot of Defendants' infringing use of each photographic work at issue is attached hereto as Exhibit "D".

26. At least seventeen (17) of the nineteen (19) total photographic works at issue by Plaintiff VINCENT KHOURY TYLOR, specifically, image nos.: "K-06-B Wailua Falls Rainbow"; "A-14 Tropical Lagoon"; "K-24-B Kealia Beach"; "B-07 Akaka Falls Hor"; "B-01-A Rainbow Falls"; "M-07 Windsurfers"; "A-29 Tropical Oasis"; "O-24 Makapuu"; "A-28 Emerald Waters"; "K-38 Taro Fields of Hanalei"; "K-12-B Lumahai Beach Low"; "B-01-B Rainbow Falls"; "K-27 NaPali Coast"; "A-20 Surfer at Twilight"; "B-18 Green Beach"; "A-34 Island Falls"; and, "K-20 Waimea Canyon" where they are legitimately available, bear Plaintiff VINCENT KHOURY TYLOR's copyright management information in the form of a "Vincent K. Tylor" signature at the bottom, right corner of each photographic work.

27. Upon information and belief, Defendants intentionally removed or altered Plaintiff VINCENT KHOURY TYLOR's copyright management information in at least seventeen (17) of his photographic works at issue for Defendants' uses of those photographic works without the authority of Plaintiff VINCENT KHOURY TYLOR or the law, injuring Plaintiff VINCENT KHOURY TYLOR in his ability to license those photographic works at issue, because

Defendants' commercial Facebook.com web page and commercial Wordpress.com web blog contained copies of seventeen (17) photographic works at issue, in high resolution, with the copyright management information digitally cropped while one (1) photographic work, "K-27 NaPali Coast," used by Defendants on their Facebook.com web page was not digitally cropped and still contained the copyright management information. A true and correct copy of each of Plaintiff VINCENT KHOURY TYLOR's photographic works containing the copyright management information along with Defendants' use of those seventeen (17) photographic works with the copyright management information cropped and one (1), "K-27 NaPali Coast," with the copyright management information intact, is shown in Exhibit "C."

28. Upon information and belief, Defendant RICHARD D. STILLMAN, as President or Chief Executive Officer of Defendant RHYTHM OF LIFE COSMETICS, INC., is vicariously liable for Defendant RHYTHM OF LIFE COSMETICS, INC.'s infringing activity and/or removal of copyright management information associated with the photographic works at issue because Defendant RICHARD D. STILLMAN enjoys a direct financial benefit from, and has the right and ability to supervise or control, the infringing activity and/or removal of copyright management information associated with the photographic works at issue.

29. Plaintiffs and Defendants were unable to resolve this matter, thus necessitating legal action.

**FIRST CAUSE OF ACTION:
COPYRIGHT INFRINGEMENTS**

30. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-29 as if fully stated herein.

31. Plaintiffs have held all rights, title and interest in the copyrights to the photographic works at issue during the entire period of Defendants' use, the use of which has not been licensed to Defendants.

32. Defendants have misappropriated Plaintiff's copyrighted photographic works with knowledge that the photographic works at issue did not belong to Defendants, Defendants made no attempt to obtain permission or license from anyone, and Defendants continue to engage in unauthorized use and copying of Plaintiffs' copyrights by continuing to use Plaintiffs' photographic works despite Plaintiffs' request to cease and desist. Defendants' acts constitute willful copyright infringement under the United States Copyright Act, 17 U.S.C. §§ 101 et. seq.

33. Defendants have shown that they intend to continue, unless restrained, to use Plaintiffs' copyrighted photographic works, willfully infringing, and causing irreparable damage to Plaintiffs for which Plaintiffs have no adequate remedy of law.

34. Defendants' unlawful use of copies of Plaintiffs' original photographic works has diminished the value of the original photographic works by

diluting the market and destroying the distinctiveness of the photographic works and their identity as being the exclusive property of Plaintiffs.

35. Defendants' unlawful acts have been and are interfering with and undermining Plaintiffs' ability to market Plaintiffs' own original photographic works, thereby impairing the value and prejudicing the sale by Plaintiffs of their own photographic works.

36. Plaintiffs are entitled to a preliminary and permanent injunction restraining Defendants from engaging in further acts of copyright infringement.

37. Defendants, by their unauthorized appropriation and use of Plaintiffs' original photographic works, have been and are engaging in acts of unfair competition, unlawful appropriation, unjust enrichment, wrongful deception of the purchasing public, and unlawful trading on Plaintiffs' goodwill and the public acceptance of Plaintiffs' original photographic works.

38. Because Defendants used and continue to use Plaintiffs' copyrighted photographic works without license, infringing the exclusive rights of Plaintiffs as the copyright owners, Plaintiffs are entitled to have the infringing publications and any improperly acquired likenesses or photographic works, however stored or recorded, impounded while this action is pending.

39. As a direct and proximate result of Defendants' wrongful acts, Plaintiffs have suffered and continue to suffer lost profits and damages.

40. Plaintiffs are entitled to recover from Defendants the damages they have sustained as a result of these wrongful and willful acts. Plaintiffs are presently unable to ascertain the full extent of the monetary damages they have suffered by reason of Defendants' willful acts of copyright infringement.

41. Plaintiffs are further entitled to recover from Defendants any gains, profits, or advantages Defendants have obtained as a result of their wrongful and willful acts. Plaintiffs are presently unable to ascertain the full extent of the gains, profits, and advantages Defendants have realized by their willful acts of copyright infringement.

42. Plaintiffs are entitled to elect to recover from Defendants statutory damages for each of their past and/or continuing willful violations of Plaintiffs' copyrights.

43. Plaintiffs are further entitled to costs and reasonable attorneys' fees.

**SECOND CAUSE OF ACTION:
DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS**

44. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-43 as if fully stated herein.

45. Upon information and belief, Defendants have intentionally removed copyright identification information from at least seventeen (17) of Plaintiff VINCENT KHOURY TYLOR's photographic works used on Defendants'

Facebook.com web page and Wordpress.com web blog without the authority of the copyright owner, Plaintiff VINCENT KHOURY TYLOR, or the law, and knowing or having reasonable grounds to know, that the removal would induce, enable, facilitate, or conceal infringements of copyright.

46. Defendants' acts constitute violations under the Digital Millennium Copyright Act, 17 U.S.C. § 1202(b).

47. Plaintiff VINCENT KHOURY TYLOR is entitled to a preliminary and permanent injunction to prevent Defendants from engaging in further violations of 17 U.S.C. § 1202.

48. Plaintiff VINCENT KHOURY TYLOR is entitled to recover from Defendants the actual damages suffered by him and any profits Defendants have obtained as a result of their wrongful acts that are not taken into account in computing the actual damages. Plaintiff VINCENT KHOURY TYLOR is presently unable to ascertain the full extent of the profits Defendants have realized by their violations of 17 U.S.C. § 1202.

49. Plaintiff VINCENT KHOURY TYLOR is entitled to elect to recover from Defendants statutory damages for each of their past and/or continuing violations of 17 U.S.C. § 1202.

50. Plaintiff VINCENT KHOURY TYLOR is further entitled to costs and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs VINCENT KHOURY TYLOR and
VINCENT SCOTT TYLOR pray:

A. That this Honorable Court enter an injunction preliminarily and permanently enjoining and restraining Defendants and Defendants' directors, officers, agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants from infringing Plaintiffs' copyrighted photographic works and from violating 17 U.S.C. § 1202;

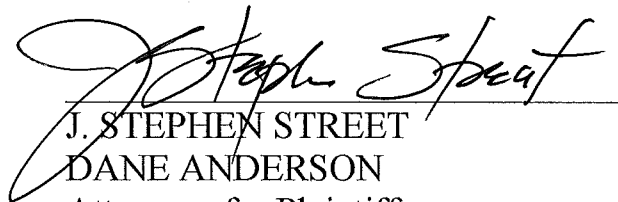
B. That the Court order any original infringing photographs, prints, separations, publications, copies, products, or materials bearing the image, digital data in any form and/or likenesses impounded and/or destroyed or disposed of in other reasonable fashion;

C. That Defendants be required to pay such damages as Plaintiffs have sustained and any profits Defendants have gained in consequence of Defendants' unlawful and willful acts or, in the alternative, to pay statutory damages pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 1203(c) for Defendants' willful infringements;

D. That Defendants be required to pay costs and reasonable attorneys' fees to Plaintiffs pursuant to 17 U.S.C. § 505 and 17 U.S.C. § 1203(b);

E. That Plaintiffs be granted such other and further relief as this Honorable Court may deem just and proper.

DATED: Honolulu, Hawaii, 5 - 31, 2013.


J. STEPHEN STREET
DANE ANDERSON
Attorneys for Plaintiffs
VINCENT KHOURY TYLOR and
VINCENT SCOTT TYLOR